IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 10505 of 2004

Between:

1 Smt. Virupakshi Malleswaramma W/o Late V.Mallikarjuna
D.No.24/81, nagapalyam, Pungenur town & Post, Chittoor District
2 M.R.Nagaraju S/o Late M.Subbarayappa
D.No.24/81,shop NO.3 Nagapalyam, Pungenur town & Post, Chittoor District
3 B.Reddibabu S/o B.Anjaneyulu Chatty
Shop No.15, Provisional Shop, Sri BogananjundeswaraSwamy Temple, Near Old Bus Stand, Punganur
4 P.Murali S/o P.Krishna Murthy
Shop No.14, Sri Bogananjundeswara Swamy-Temple, Near Old bus Stand, Punganur.
5 C.J.Shoban Babu S/o late Jayaram
Shop No.13, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
6 V.S.Ramaiah S/o Govindaiah Setty
Shop No.12, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
7 R.Fathavulla S/o R.Suleaman
Shop No.11, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
8 S.Shavali S/o Mohamed
Shop No.10, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
9 V.Hyder Vali alias Khadhar Hussain S/o Janu Saheb
Shop No.9, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
10 Motilal S/o bala Rama
Shop No.6, Sri Bogananjundeswara Swamy-Temple Near Old bus Stand, Punganur.
11 S.Althaf Hussain S/o S.Hakkam Saheb
Shop No.2, Sri Bogananjundeswara Swamy-Temple Near Old

bus Stand, Punganur.

..... PETITIONERS

AND

1 The Commissioner of Endowments , Endowments Dept., Govt., of AP., Tilak road, Hyd
2 The Assistant Commissioner , Endowments Department Gandhi Road, Chittoor
3 The Person-In-Management Group Temples, Sri Kalyanavenkataramana Swamy Temple,
Punganur, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction particularly in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the Notices dt. 9/06/2004 to pay the rents and vacate the respective premises of the petitoners 2 to 11 herein as illegal, irregular and inproper without jurisdication and violative of articles 14 & 16 of the Constitution of India

For the Petitioners: MR.R.VIJAYANANDAN REDDY, Advocate

For the Respondent Nos. 1&2.: GP FOR ENDOWMENTS

For the Respondent No.3: Mr. N. Venugopala Rao, Standing Counsel

The Court made the following ORDER:

This writ petition is filed by the petitioners aggrieved by the action of the third respondent in issuing notices to petitioners 2 to 11 dated 09.06.2004 to pay the rents to the third respondent as well as to vacate the respective premises.

2. According to the first petitioner, she is the owner of the property where the shops were built. It is also stated that the first petitioner got the plan approved by the municipality and constructed the shops by borrowing the amounts from petitioners 2 to 11, who are subsequently inducted after construction of those shops as tenants.

3. The grievance of the first petitioner is that when once she is claiming to be the owner of the property in question, without issuing any notice to her, the third respondent issued notices to petitioners 2 to 11 to pay the rents to the third respondent as well as to vacate the shops, which are in their occupation.

4. In fact, O.A.No.5 of 2000 was filed by the first petitioner before the Deputy Commissioner of Endowments, Kurnool, seeking declaration as to the ownership of the property covered by the shops, apart from other reliefs and also filed I.A.No.6 of 2000 seeking interim relief against the respondents. However, as the said I.A. was not disposed of, the petitioners were constrained to approach this Court seeking protection in respect of the property in question till the disposal of the O.A. pending before the Deputy Commissioner of Endowments, Kurnool.

5. When the matter came up for hearing on 25.06.2004, this Court directed the Standing Counsel for third respondent to get instructions, on which, the third respondent has filed counter-affidavit stating that the third respondent has already taken possession of the property in question in pursuance of the notices issued to the petitioners 2 to 11 and therefore, sought to dismiss the writ petition.

6. During the course of the arguments, it is brought to my notice that earlier Writ Petition No.25257 of 2000 filed by the first petitioner was disposed of by this Court on 22.04.2002, directing the Deputy Commissioner of Endowments, Kurnool, to dispose of O.A.No.5 of 2000, within a period of four months. Though, this Court directed the Deputy Commissioner of Endowments, Kurnool to dispose of the said O.A. within a period of four months from the date of receipt of a copy of the order, it is informed to this Court that the Deputy Commissioner of Endowments, Kurnool did not take up the matter so far. Therefore, the said action of the Deputy Commissioner of Endowments, Kurnool is clearly in violation of the directions of this Court.

7. Under the above circumstances, without going into the merits, the Deputy Commissioner of Endowments, Kurnool is directed to dispose of O.A.No.5 of 2000 expeditiously, preferably within a period of two months from the date of receipt of a copy of this order, failing which, it is open to the petitioners to bring it to the notice of this Court for passing appropriate orders. It is further made clear that pending disposal of the said O.A., as directed by this Court, the petitioners can also seek appropriate interim relief and if the petitioners approach the said Deputy Commissioner for any interim relief, the Deputy Commissioner is directed to pass suitable order after hearing both sides.

9. The writ petition is accordingly disposed of with the above directions. No costs.

01.07.2004

Note: Communicate the order to

Deputy Commissioner of Endowments, Kurnool

B/o

va

To
1 The Commissioner of Endowments , Endowments Dept., Govt., of AP., Tilak road, Hyd
2 The Assistant Commissioner , Endowments Department Gandhi Road, Chittoor
3 The Person-In-Management Group Temples, Sri Kalyanavenkataramana Swamy Temple,
Punganur, Chittoor District

4 Two CD Copies

5. The Deputy Commissioner of Endowments, Kurnool with a direction to dispose of the O.A.No.5 of 2000 within a period of two months from the date of receipt of a copy of this order.